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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,780	09/08/2000	Keiji Fukuzawa	450101-02221	7982
20999	7590	01/24/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			RAMAN, USHA	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/623,780

Applicant(s)

FUKUZAWA ET AL

Examiner

Usha Raman

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,9-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,9-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed November 11th, 2005 have been fully considered but they are not persuasive.

Applicant argues that the combination of Williams, ETR and Chen do not teach "a plurality of service list descriptors to be appended to the identifiers that are used to identify a new transmission or a previous transmission". The examiner respectfully disagrees. ETR shows the transmission of service list descriptors transmitted with the NIT and the BAT (see ETR clause 4.2.1.2.2 in page 18 and clause 4.2.2.2.1 in page 19) in order for providing means of listing of services by service identifier. As a result, the examiner maintains rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 9-12 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 12 recite the limitations "wherein a plurality of service list descriptors are appended to identifiers which are used to identify a new or previous transmission". However, it is unclear which identifiers the service list descriptor is being appended to, as the previous step recites the deleting and replacing service identifiers with placeholder data. Appropriate clarification is requested.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7,9-11, 12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US Pat. 5,970,386) in view "ETR 211: Digital Video Broadcasting: Guidelines on Implementation and Usage of Service Information" (henceforth referred to as ETR) and further in view of Chen et al. (US Pat. 5,917,830).

In regards to claims 7 and 12, William discloses a transmodulator method and apparatus for receiving information from a first transmission path (satellite transmissions), demodulating the received signals (QPSK modulated signals) and modulating the demodulated with QAM modulation scheme and transmitting the signals through a first transmission path (MDU cable network). Note column 3, lines 30-43, 53-57, column 10, 63-66 and column 8, lines 44-56.

Williams fails to disclose that the modulation means includes network information replacement means for replacing the demodulated network information with information for the first transmission path.

The ETR discloses that re-broadcasting of satellite signals over a cable network can be achieved by replacing some of the TS packets a TS. TS packets with unique PID values are filtered out and the NIT information is replaced. Note clause 5.3.2 of the ETR. Note clauses 4.1.1 in page 11 and clause 5.3 in page 37. Furthermore,

the ETR document also discloses that the NIT comprises a delivery_system_descriptor for each of the delivery system (i.e. cable_delivery_system_descriptor and satellite_delivery_system_descriptor for the cable and satellite systems respectively). See clause 4.2.1.2.1 in page 18 of the ETR. In accordance with the DVBSI specifications, the length of both the cable_delivery_system_descriptor and satellite_delivery_system_descriptor are 104 bits (i.e. the first delivery system descriptor has a length equal to the second delivery system descriptor).

It would have been obvious to one of ordinary skill in the art to modify the transmodulator of Williams with teachings and guidelines provided by the ETR and replace the network service information of the satellite signals with that of the cable network so that a receiver receives a valid transport stream with valid network information.

The modified system does not comprise the step deleting service identifiers of network information that are not retransmitted and adding placeholder for the deleted service identifier.

Chen discloses the step of deleting selective data in a transmission, and adding an equal number of "dummy stuffing bits" (i.e. placeholder) to prevent potential discontinuity at the decoder. See abstract, column 18, lines 39-51.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Chen, by adding placeholder "dummy stuffing bits" when deleting service identifiers of network information that

are not retransmitted, in order to prevent discontinuity at the decoder. The modified system further comprises service list descriptors transmitted with the NIT and the BAT (see ETR clause 4.2.1.2.2 in page 18 and clause 4.2.2.2.1 in page 19).

In regards to claims 10 and 15, as discussed above for claims 7 and 12, Williams discloses that the first transmission path is a cable television channel and the second transmission path is a satellite broadcasting channel.

In regards to claims 9 and 14, Williams discloses that a satellite decoder demodulates the signals modulated from the second network transmission path and data packets. Upon receiving and decoding a transport stream, the NIT is extracted at the receiving site in order compare the network id of a transport stream to identify the delivery network. If it is found that the network id of the received transport stream does not match with the network id of the receiver, the network id must be replaced for subsequent delivery over a second network. The extracted packets are then packetized (converted) into a compliant system standard for subsequent delivery in the second network. Note column 8, lines 26-31 of Williams.

Furthermore, the ETR discloses that the extracted network identification information is replaced with that of the new network. Note clause 5.3.2 in page 37 of the ETR.

In regards to claims 11 and 16, the ETR discloses that a can digital receive transport streams from an arbitrary network, extract the network information to determine the delivery network id and convert it to a format compliant with the network to be delivered to, replace the network id with the information of the network to be delivered to. In the case of the modified system, the arbitrary network is any

satellite network and the network to be delivered to is the cable network. The ETR further discloses that a transport stream from an arbitrary network has to have a NIT (designated by the tables listed under DVB mandatory in figure 1) identifying the actual transport stream, however it may also have NIT concerning with another transport stream (designated by tables under DVB for optional transport streams) of another network (i.e. another satellite, cable or terrestrial network). Note clause 1 in page 7 and figure 1 of ETR in page 10. When two such networks are identified in the new network, the new network replaces the network information of both the networks with the network information of the new network in the same manner as above. Note the last paragraph in page 11 of the ETR.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from


the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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